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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

SHIH, HAOSHIAN

ART UNIT	PAPER NUMBER
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2173

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/690,036	Applicant(s) CASTLE, DANIEL C.	
	Examiner Haoshian Shih	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/20/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-64 are pending in this application and have been examined.

Drawings

The drawings are objected since they fail to show necessary textual labels of features or symbols in fig.1-fig.4 as described in the specification. A descriptive textual label for each number element in fig.1-fig.4 would be needed to fully understand fig.1-fig.4 without substantial analysis of the detailed specification. See 37 CFR 1.84 (o) below:

(o) Legends . Suitable descriptive legends may be used subject to approval by the Office, or may be required by the examiner where necessary for understanding of the drawing. They should contain as few words as possible.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 55 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Specifically, support for the limitation "removing the pointer from the primary display." lines 2, was not disclosed in the specification. Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 50-55 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

6. As to claims 50-55, the "data signal embodied in a carrier wave", as claimed in accordance with applicant's specification, is directed to a transmission medium. Which is a form of energy. Energy does not fall within a statutory category set forth above.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-4, 6-8, 10-12, 18, 19, 25, 34-36, 38, 44-46, 48, 56-58, 61, 62 and 64 are rejected under 35 U.S.C. 102(e) as being anticipated by Rourke et al. ("Rourke", US 6,668,244 B1).

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9. As to claim 1, Rourke discloses a method of using a pointer on a display, comprising: providing a reference object on the display (fig.4; col.5, lines 59-60); defining an orientation indicated by the reference object (fig.4; col.5, lines 59-60); changing the orientation indicated by the reference object (col.5, lines 61-64); and moving the pointer in response to a start movement signal (col.5, lines 61-64), in a direction correlated with the orientation indicated by the reference object (fig.4, 94, 95, 96, 98; col.5, lines 63).

10. As to claim 34, Rourke discloses a system for controlling a pointer on a display, comprising: means for providing a reference object indicating an orientation on the display(fig.4, "94","95", "96", "98"); means for changing the orientation indicated by the reference object (col.5, lines 60-63); means for moving the pointer in a direction correlated with the orientation indicated by the reference object in response to an operator-inputted start movement signal (col.5, lines 60-63); and means for stopping the pointer at a desired location on the display in response to an operator-inputted stop movement signal (col.5, lines 62-63).

11. As to claim 44, Rourke discloses a storage medium readable by a computer, having embodied therein a program of executable instructions, comprising executable instructions for: providing a pointer on a display (fig.4, "93"); providing a reference object on the display (fig.4, "94","95", "96", "98"); defining an orientation indicated by the reference object (col.5, lines 60-63); changing the

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orientation indicated by the reference object (col.5, lines 60-63); moving the pointer in a direction correlated with the orientation indicated by the reference object (col.5, lines 60-63); and stopping the pointer at a desired location on the display (col.5, lines 62-63).

12. As to claim 56, Rourke discloses a computer having a graphical user interface, the graphical user interface comprising: a display; a reference object having an orientation on the display (col.5, lines 59-64); and a pointer on the display configured to selectively translate in a direction correlated with the orientation of the reference object (col.5, lines 59-64).

13. As to claim 2, Rourke discloses moving the pointer in response to the start movement signal includes moving the pointer based on the orientation of the reference object at a time that the start movement signal is received (col.5, lines 59-64).

14. As to claim 3, Rourke discloses the start movement signal includes at least one sound received at a microphone(fig.1, 11; col.5, lines 61-62).

15. As to claim 4, Rourke discloses the start movement signal includes at least one keystroke received at a keyboard (col. 2, lines 28-31).

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16. As to claim 6, Rourke discloses the stopping the pointer in response to a stop movement signal (col.5, lines 64).

17. As to claim 7, Rourke discloses the stop movement signal includes at least one sound received at a microphone (col.5, lines 64; col.6, lines 17-18).

18. As to claim 8, Rourke disclose the stop movement signal includes at least one keystroke received at a keyboard (col.5, lines 64; col.2, lines 28-31, parallel control of a voice input and a keyboard/mouse).

19. As to claim 10, 48, and 64 Rourke discloses performing at least one pointer function in response to at least one function signal (col.5, lines 8-9 "click", "drag").

20. As to claim 11 and 58 Rourke discloses at least one function signal includes a sound received at a microphone (col.7, lines 8-10).

21. As to claim 12 and 57, Rourke discloses at least one function signal includes a keystroke received at a keyboard (col.5, lines 19-21).

22. As to claim 18, Rourke discloses the reference object is a contiguous graphical indicium (fig.4).

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23. As to claim 19, Rourke discloses the reference object includes a graphical arrow(fig.4, 93)

24. As to claim 25, Rourke discloses the reference object includes a text box that includes an alphanumeric representation of the orientation (fig.4).

25. As to claim 35, Rourke discloses means for performing at least one pointer function in response to at least one operator-inputted function signal (col.5, lines 65-66).

26. As to claim 36, Rourke discloses the start movement signal, the stop movement signal, and the at least one function signal include at least one keystroke received at a keyboard (col.5, lines 19-21).

27. As to claim 38, Rourke discloses the start movement signal, the stop movement signal, and the at least one function signal include at least one sound received at a microphone (col.6, lines16-17, col.7, lines 7-8).

28. As to claim 45, Rourke discloses moving the pointer are executed in response to an operator signal (col.5, lines 61-62).

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29. As to claim 46, Rourke discloses moving the pointer effect movement of the pointer based on an orientation of the reference object at a time the operator signal is received (col.5, lines 59-64).

30. As to claim 61, Rourke discloses the orientation of the reference object changes (col.5, lines 59-64) in response to a keystroke received at a keyboard (col.5, lines 19-21).

31. As to claim 62, Rourke discloses the orientation of the reference object in response (col.5, lines 59-64) to a sound received at a microphone (fig.1, "11").

Claim Rejections - 35 USC § 103

32. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

33. **Claims 5, 9, 13-17, 20-24, 26-33, 37, 39, 40-43, 47, 49, 59, 60, and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rourke, in view of Wivik 3 ("Wivik",**

<http://web.archive.org/web/20030812074539/http://www.wivik.com/Downloads/WiViK3UserGuide.pdf>).

34. As to claim 26, Rourke discloses a system for selecting points on a display, comprising: a pointer configured to translate in response to a movement signal, in a direction correlated with an orientation of the reference object (col.5, lines 59-64). Rourke does not disclose an orientable reference object including at least one graphical point on a display that is selectively and automatically rotatable around another point on the display.

In the same field of endeavor, Wivik discloses an orientable reference object including at least one graphical point on a display that is selectively and automatically rotatable around another point on the display (pg.39, section "Scanning mouse"); and (pg.40, section "To use scanning mouse", paragraph "2" and "3").

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Rourke and Wivik for the benefit of a broadened human computer interaction.

35. As to claims 5 and 29, Rourke discloses a movement signal from an external device (col.2, lines 28-31), but fails to explicitly disclose using a touch pad.

In the same field of endeavor, Wivik discloses using a touch pad for display manipulation (pg.5, paragraph "Pointing access")

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to combine the teachings of Rouke and wivik for the benefit of a broadened human computer interaction.

36. As to claim 9, Rouke discloses a stop movement signal from an external device (col.5, lines 64), but fails to explicitly disclose using a touch pad.

In the same field of endeavor, Wivik discloses using a touch pad for display manipulation (pg.5, paragraph "Pointing access")

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to combine the teachings of Rouke and wivik for the benefit of a broadened human computer interaction.

37. As to claims 13 and 60, Rourke discloses at least one function signal includes an input from an external device (col.5, lines 19-21), but fails to explicitly disclose using a touch pad.

In the same field of endeavor, Wivik discloses using a touch pad for display manipulation (pg.5, paragraph "Pointing access")

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Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to combine the teachings of Rourke and Wivik for the benefit of a broadened human computer interaction.

38. As to claim 14, Rourke does not disclose changing the orientation indicated by the reference object includes revolving at least one point associated with the reference object around a point on the display.

In the same field of endeavor, Wivik discloses changing the orientation indicated by the reference object includes revolving at least one point associated with the reference object around a point on the display (pg.39, section "Scanning mouse").

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Rourke and Wivik for the benefit of a broadened human computer interaction.

39. As to claim 15, Wivik discloses revolving occurs in response to an operator signal (pg.40, section "To use scanning mouse").

40. As to claim 16, Wivik discloses the revolving occurs in a direction of revolution determined by the operator signal (pg.40, section "To use scanning mouse").

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41. As to claim 17, Wivik discloses the revolving occurs unless the pointer is moving (pg.40, section "To use scanning mouse", paragraph 2 and 3)

42. As to claim 20, Rourke does not disclose changing the orientation indicated by the reference object includes rotating the reference object.

In the same field of endeavor, Wivik discloses changing the orientation indicated by the reference object includes rotating the reference object (pg.39, section "Scanning mouse").

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Rourke and Wivik for the benefit of a broadened human computer interaction.

43. As to claim 21, Wivik discloses the rotating occurs unless the pointer is moving, and wherein the rotating does not occur while the pointer is moving (pg.40, section "To use scanning mouse", paragraph 2 and 3).

44. As to claim 22, Wivik discloses performing at least one pointer function in response to at least one function signal (pg.41, section "Mouse cursor key description").

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45. As to claim 23 and 43, Wivik discloses removing the reference object from the display(pg.41, section "Mouse cursor key description", icon "Return to initial letters page").

46. As to claim 24, Rourke does not disclose the orientation indicated by the reference object changes automatically.

In the same field of endeavor, Wivik discloses the orientation indicated by the reference object changes automatically (pg.39, section "Scanning mouse").

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Rourke and Wivik for the benefit of a broadened human computer interaction.

47. As to claim 27, Rourke discloses the reference object includes a graphical arrow (fig.4, "93").

48. As to claim 28, Rourke disclose the movement signal includes a keystroke received at a keyboard (col.5, lines 19-21).

49. As to claim 30, Rourke discloses the movement signal includes a sound received at a microphone (col.6, lines 16-17).

50. As to claims 31 and 59, Rourke discloses the sound is produced by a human voice (col.6, lines 16-17).

51. As to claim 32, Rourke discloses the pointer is further configured to perform at least one pointer function in response to an operator function signal (col.5, lines 65-66).

52. As to claim 33, Wivik discloses the pointer and the reference object are identical (pg.40, section "To use scanning mouse"; the pointer becomes a reference object that scans/rotates).

53. As to claim 37, Rourke does not disclose the start movement signal, the stop movement signal, and the at least one function signal include at least one touch received at a touch pad.

In the same field of endeavor, Wivik discloses the start movement signal, the stop movement signal, and the at least one function signal include at least one touch received at a touch pad (pg.5, paragraph "Pointing access").

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Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Rourke and Wivik for the benefit of a broadened human computer interaction.

54. As to claim 39, Rourke does not disclose means for changing the orientation of the reference object includes means for rotating the reference object.

In the same field of endeavor, Wivik discloses means for changing the orientation of the reference object includes means for rotating the reference object (pg.40, section "To use scanning mouse").

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Rourke and Wivik for the benefit of a broadened human computer interaction.

55. As to claims 40, and 41, Wivik discloses means for rotating the reference object includes means for rotating the reference object continuously (pg.40, section "To use scanning mouse", paragraph "3") unless the pointer is moving (pg.40, section "To use scanning mouse", paragraph "2" and "3"; cursor rotation and cursor movement are in sequence).

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56. As to claim 42, Wivik discloses means for adjusting moving speed of the pointer (pg.41 section "Mouse cursor key description", "Scan move ahead" icons). means for adjusting rotating speed of the reference object (pg.19, section "timing settings"); means for adjusting size of the reference object (pg.41, section "Mouse cursor key description", "Scan rotation" icon)

57. As to claim 47, Rourke discloses adjusting the speed at which the pointer moves (col.7, lines 56; "Up/Down" control), Rourke does not adjusting the rate at which the orientation of the reference object changes; adjusting the size of the reference object.

In the same field of endeavor, Wivik discloses adjusting the rate at which the orientation of the reference object changes (pg.19, section "timing settings"); adjusting the size of the reference object (pg.41, section "Mouse cursor key description", "Scan rotation" icon).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Rourke and Wivik for the benefit of a broadened human computer interaction.

58. As to claim 49, Rourke does not disclose removing the reference object from the display.

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In the same field of endeavor, Wivik discloses removing the reference object from the display(pg.41, section "Mouse cursor key description", icon "Return to initial letters page").

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Rourke and Wivik for the benefits of allowing limited navigation and functions when needed

59. As to claim 63, Rourke discloses the orientation of the reference object changes in response to an external input device (col.5, lines 59-64). Rourke does not disclose the input is received at a touch pad.

In the same field of endeavor, Wivik discloses using a touch pad for display manipulation (pg.5, paragraph "Pointing access")

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to combine the teachings of Rourke and wivik for the benefit of a broadened human computer interaction.

60. Claims 50- 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rourke in view of Dreamcast

(<http://web.archive.org/web/20000815080707/http://www.planetdreamcast.com/hardware/vmu/>)

61. As to claim 50, Rourke discloses a data signal embodied in a carrier wave, comprising: instructions executable by a computer for controlling a pointer on display, including instructions for defining an orientation indicated by the reference object (col.5, lines 59-64); changing the orientation indicated by the reference object (col.5, lines 59-64); moving the pointer on the primary display in a direction correlated with the orientation indicated by the reference object (col.5, lines 59-64); and stopping the pointer at a desired location on the primary display (col.5, lines 59-64). Rourke does not disclose the use of a secondary display for providing a reference object on the secondary display.

In the same field of endeavor, Dreamcast discloses providing an auxiliary display to the primary display (paragraph "About the VMU").

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Rourke and Dreamcast for the benefits of providing private/additional information to the user.

62. As to claim 51, Rourke discloses instructions for performing at least one pointer function (col.5, lines 9-10).

63. As to claim 52, Rourke discloses the reference object is a contiguous graphical indicium (fig.4, "94", "95", "96", "98").

64. As to claim 53, Rourke discloses the reference object is a graphical arrow (fig.4, "93").

65. Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rourke in view of Dreamcast and in further view of Wivik.

66. As to claim 54, the combination of Rourke and Dreamcast does not disclose removing the reference object from the secondary display.

In the same field of endeavor, Wivik discloses removing the reference object from a display (pg.41, section "Mouse cursor key description", icon "Return to initial letters page").

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Rourke, Dreamcast and Wivik for the benefits of a broadened human computer interaction.

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67. Claims 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rourke in view of Dreamcast and in further view of Bretschneider et al. ("Bretschneider", US 6,008,807)

68. As to claim 55, the combination of Rourke and Dreamcast does not disclose removing the pointer from the primary display.

In the same field of endeavor, Bretschneider discloses removing the pointer from the primary display (col.5, lines 40-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Rourke, Dreamcast and Bretschneider for the benefits of allowing limited navigation and functions when needed (col.2, lines 9-12).

Conclusion

69. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. 1.111(c) to consider these references fully when responding to this action.

Cursor movement references:

US 2006/0026537

US 6,587,131

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US 5,877,748

US 5,657,050

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haoshian Shih whose telephone number is (571) 270-1257. The examiner can normally be reached on m-f 0730-1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HSS

Kieu Vu
Kieu Vu
Primary Examiner